Government of Kerala
1980

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Monday, 14th July 1980 / 23rd Ashadha 1902 [No. 475

BOARD OF REVENUE (EXCISE)

NOTIFICATION

No. XE-Spl. 11405|79. *11th July,* 1980.

The following is the select list of Preventive Officers|Clerks of Excise Department for promotion as Excise Inspector prepared by the Departmental Promotion Committee of Excise Department held on 23rd and 24th May 1980.

Select list for the year 1968

1. Sri Koshy Kunju
2. Smt. J. Saradamma
3. Sri K. Rajasekharan
4. Sri K. V. Ramaswamy
5. Sri A. Joshua
6. Smt. K. Indulekha
7. Sri V. I. Raman
8. Sri D. Sadhu Singh
9. Sri K. R. Gopalan Nair
10. Smt. A. Grace Darling
11. Sri T. V. Vasudevan Elayathu
12. Smt. P. J. Annamma

13. Sri K. Viswambaran Nair
14. Smt. R. Narayani Ammal
15. Sri S. Raghavau
16. Smt. N. Sarojini Amma
17. Sri Raghavan Nair
18. Smt. B. Bhavani Amma
19. Sri T. A. Chacko
20. Smt. P. S. Meenakshi Ammal
21. Sri N. Kesavan Asari
22. Smt. C. Rajalakshmi Ammal
23. Sri T. K. Narayana Panicker

Select list for the year 1969

1. Sri P. S. Gopakumar
2. Sri G. Krishna Pillai
3. Smt. P. Gomathykutty Amma
4. Sri P. S. Vijayan
5. Smt. C. N. Ammukutty Amma
6. Sri G. Raveendranatha Pillai
7. Smt. K. K. Kamalakshy
8. Sri K. Bhaskaran Nair
9. Sri N. Haridas
10. Sri C. Ponnappan Pillai
11. Sri A. Nazirudeen
12. Sri K. Kunjan
13. Sri K. V. Kuriakose
14. Sri N. Sankunny Menon
15. Smt. D. Mary
16. Sri M. Abdul Rasheed
17. Sri P. N. Sankaran Namboodiri
18. Sri K. K. Bhasuran
19. Smt. Mariamma Varghese
20. Sri C. N. Kesava Kurup
21. Smt. P. V. Ammini
22. Sri V. A. Sabastian

Select list for the year 1970

1. Sri R. Thankappan Pillai
2. Sri M. Madhavan

3. Sri K. Sathyarajan
4. Sri P. K. Chakrapani
5. Smt. K. P. Lalithamma
6. Sri N. Raghunatha Panicker
7. Sri A. Mashood
8. Sri Y. Thankappan
9. Sri V. Ramesan
10. Sri K. Jabbar
11. Sri P. S. Balakrishnan
12. Sri K. Sadasivan
13. Sri K. G. Govindan Nair
14. Sri S. Anirudha Rao
15. Sri S. R. Ramakrishnan
16. Sri M. Sreedharan Nair
17. Sri M. Balakrishnan Nair
18. Sri E. K. Damodaran
19. Sri C. M. Kunhahammed
20. Sri N. Chandrasekharan
21. Smt. A. K. Valsamma
22. Sri A. M. Philipose
23. Smt. P. Sella
24. Sri A. Abdul Salam
25. Sri M. S. Somasekharan Nair
26. Sri K. Daniel
27. Sri G. Sadasivan
28. Sri C. R. Ravivarma
29. Sri K. V. Vasudevan Namboodiri
30. Sri N. Kunju Pillai
31. Sri M. Abdul Sathar
32. Sri C. Bhaskara Pillai
33. Sri V. Sadasivan
34. Sri K. P. Ramachandran

Select list for the year 1971

1. Smt. K. Komalavally
2. Sri K. Rajagopal
3. Sri P. N. Kuttappan
4. Sri N. S. Chandrasekharan Nair
5. Sri K. N. Shanmughan

6. Sri P. K. Vijayan
7. Smt. P. D. Martha
8. Sri P. S. Sankaran Asari
9. Sri P. Raghavan Nair
10. Sri E. Bhaskaran Nambiar
11. Sri K. K. Ayyappan
12. Sri C. V. Kesavan

No select list was prepared for the year 1972 as no vacancies were reported for the year.

Select list for the year **1973**

1. Sri R. Narayana Iyengar
2. Smt. K. K. Leela
3. Smt. P. Saradambal
4. Sri A. B. Mayan
5. Sri Punnoose Cherian
6. Sri C. K. Govindan
7. Sri P. Ayyappan Nair
8. Sri P. K. Kuttan
9. Sri Mahin Abubaker
10. Sri Abraham Geevarghese
11. Sri R. Vidyadharan

N. P. NARAYANAN,
Convener of Departmental promotion Committee of Excise Department and Additional Secretary (Excise).

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5665/LA4A/80. *Dated, Trivandrum, 14th July, 1980.*

The Kerala Land Reforms (Second Amendment) Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1980.

33/2640/MC.

Sixth Kerala Legislative Assembly

Bill No. 29

THE KERALA LAND REFORMS (SECOND AMENDMENT) BILL, 1980

A

BILL

further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Land Reforms (Second. Amendment) Act, 1980.

(2) Sections 2 to 5 (both inclusive) shall be deemed to have come into force on the 1st day of January, 1970 and the remaining provisions of this Act shall come into force at once.

2. *Insertion of new section 72QQ.*—After section 72Q of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"72QQ. *Cultivating tenant not liable to pay rent if resumption application is rejected.*—Notwithstanding anything contained in any law for the time being in force, or in any contract, custom or usage, or in any judgment, decree or order of any court or Land Tribunal in the case of a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is rejected, the cultivating tenant shall not be liable to pay any rent for such holding or part of the holding, as the case may be, with effect on and from the date notified under sub-section (1) of section 72.".

3. *Amendment of Section 72S.*—Section 72S of the principal Act shall be re-numbered as sub-section (1) of that section and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) In the case of holding or part of a holding in respect of which an application for resumption under the provisions of this Act is rejected, the cultivating tenant shall be liable to pay the basic tax and other taxes and cesses in respect of such holding or part of the holding, as the case may be, with effect on and from the date notified under sub-section (1) of section 72.",

4. *Amendment of section* 84.—In section 84 of the principal Act, after the proviso to sub-section (1A), the following *Explanation* shall be inserted, namely:—

"*Explanation*.—For the purposes of clause (b), a land shall be deemed to have been assigned on registry if the purchase price payable for the assignment of that land or the first instalment thereof has been deposited as required by the rules made under this Act.".

5. *Amendment of section* 85.—In section 85 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) For the removal of doubts it is hereby declared that proceedings for the determination of the extent and other particulars of any land, the ownership or possession or both of which is or are to be surrendered by an adult unmarried person or a family shall not abate on the death of that adult unmarried person or, as the case may be, the sole surviving member of that family where it consists of only one person, or the member of that family who filed the statement under this section or under section 85A in the case of any other family, but shall be continued against the legal representatives of such adult unmarried person or sole surviving member or the remaining member or members of such family, as the case may be, and such legal representatives or remaining member or members shall be bound to surrender the same extent of land as such adult unmarried person or sole surviving member or such family would have been liable to surrender, if such adult unmarried person or sole surviving member or the person who filed such statement, as the case may be, were alive on the date of determination of the extent and other particulars of the land.".

6. *Amendment of section 109A*.—In sub-section (1) of section 109A of the principal Act,—

(a) in the first proviso, for the words "five hundred rupees", the words "one thousand rupees" shall be substituted;

(b) in the second proviso, in clause (a), for the words "two thousand rupees", the words "four thousand rupees" shall be substituted.

7. *Transitory provisions*.—Notwithstanding anything contained in any judgment, decree or order of any court or other authority, where any proceeding for the determination of the extent and other particulars of any land, the ownership or possession or both of which is or are to be surrendered by an adult unmarried person or a family has been discontinued on the ground that such adult unmarried person or the sole surviving member of the family in the case of a family having only one member, or the person who filed the statement under section 85 or under section 85A in the case of any other family, has died before such determination, the Land Board or the Taluk Land Board, as the case may be, shall, within a period of one year from the commencement of this Act, restore to file such proceeding and

continue the same impleading the legal representatives of such adult unmarried person or sole surviving member or the remaining member or members of that family, as the case may be, and such legal representatives or as the case may be, the remaining member or members shall be bound to surrender the same extend of land as such adult unmarried person or sole surviving member or the family, as the case may be would have been liable to surrender if such adult unmarried person or sole surviving member or the person who filed such statement, as the case may be, were alive on the date of determination of the extend and other particulars of the land:

Provided that nothing contained in this section shall be deemed to affect a *bonafide* purchaser for consideration of any land from such legal representatives or the remaining member or members of such family.

STATEMENT OF OBJECTS AND REASONS

Sections 14 to 17 and section 19 of the Kerala Land Reforms Act, 1963, provide for resumption of lands from tenants by certain landlords. Section 72(1) of the Act provides that on a date notified by the Government (the date so notified is 1-1-1970) all rights, title and interest of the landlords and intermediaries in respect of holdings held by cultivating tenants shall vest in the Government free from all encumbrances. But the proviso to that sub-section states that the above provision shall not apply to any land in respect of which an application for resumption was pending on the said date before a court or Tribunal or in appeal or revision. According to sub-sections (2) and (4) (b) of section 72, where an application for resumption of a holding or part of a holding has been filed, the right, title and interest of the landlord in respect of the holding or part of the holding shall vest in the Government only on the date when the application is finally rejected.

2. There is no provision in the Act prohibiting the landlords from collecting rent from their tenants after 1-1-1970 for a holding in respect of which the right, title and interest of the landlords have not vested in the Government on the said date but only subsequently. As the right, title and interest of the landlords in the case of holdings in respect of which resumption applications have been filed vest in the Government only on the date on which such applications are rejected, such landlords are entitled to collect rent for the holdings till the date of such rejection which will be subsequent to 1-1-1970.

3. Representations have been received by the Government from a number of tenants pointing out that the landlords have filed suits for realisation of arrears of rent for the holdings in respect of which resumption applications have been rejected, for the period after 1-1-1970 till the date of such rejection. It is considered that there is no justification for the collection of rent for the period after 1-1-1970 because the rejection of the resumption applications

shows that the landlords were not entitled to file such applications and consequently their right, title and interest in the holdings would have vested in the Government on 1-1-1970 had not such applications been filed and the tenants would not have been liable to pay any rent for such period. It is therefore proposed to provide that the tenants shall not be liable to pay any rent from 1-1-1970 for a holding or part of a holding in respect of which an application for resumption has been rejected.

4. It is also considered necessary to insert a new sub-section (2) in section 72S making the cultivating tenants liable to pay basic tax and other taxes with effect from the date notified under section 72, for a holding or part thereof in respect of which an application for resumption is rejected, as such tenant becomes the owner of the said holding or part from the said date.

5. Clause (b) of the proviso to sub-section (1A) of section 84 inserted by Kerala Land Reforms (Amendment) Act, 1979, provides that the said sub-section shall not apply in respect of any land which has been assigned on registry under section 96 before the commencement of the said Amendment Act of 1979. Doubts have been raised as to the exact time at which a land shall be deemed to be assigned on registry. It is proposed to clarify the position by inserting a new *Explanation* to the effect that a land shall be deemed to have been assigned on registry if the purchase price payable for the assignment of that land or the first instalment thereof has been deposited as required by the rules made under the Act.

6. The Kerala High Court in CRP. 35/77 E held that in as much as there is no provision in the Act for continuation of the proceedings for taking over of excess lands initiated against a person who filed a statement under sub-section (2) of section 85 or sub-section (1) of section 85A, on the death of such person, against his legal representatives, such legal representatives are under no obligation to account for the surplus land, if any, held by the person who filed the statement and that the proceedings would lapse on his death.

7. The above decision directly applies only to a case where the declarent is an adult unmarried person. It might also apply to a case where the declarant is a sole surviving member. The decision does not apply where the declarant is a membr of a "family" as defined in the Act. However, the High Court has set aside the orders of the Taluk Land Boards in several cases where the declarants were persons liable to file the statement on behalf of "family" as defined in the Act. The Taluk Land Boards also had dropped proceedings in several such cases wrongly relying on the above decision. Therefore, it is considered necessary to specifically provide in the Act that proceedings before the Taluk Land Board shall not abate on the death of the declarant and that such proceedings shall be continued against the legal representatives in case such declarant is an adult unmarried person or the sole surviving member of a family or against the remaining members of the family in other cases.

8. According to section 109A of the Act, the maximum amount of solatium payable to a small holder is five hundred rupees, provided that he shall not be entitled to such solatium, if the compensation due to him exceeds two thousand rupees. It is considered that the solatium of five hundred rupees is too small an amount and has to be enhanced to one thousand rupees and that small holders who get compensation upto four thousand rupees should be made eligible for the same.

9. Transitory provisions enabling the Land Board or the Taluk Land Board, as the case may be, to reopen all ceiling cases where the proceedings for determination of excess land had been dropped on the ground that the declarant had died before such determination and to continue such proceedings are also considered necessary.

10. The Bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

Clause 6 of the Bill seeks to amend section 109A of the Act for the following purposes, namely:—

(1) to enhance the solatium payable to small holders from five hundred rupees to one thousand rupees; and

(2) to provide that small holders who get compensation upto four thousand rupees shall be eligible for solatium (under the existing provision no small holder is entitled to solatium if the compensation payable to him exceeds two thousand rupees).

Solatium to small holders is met from the Agriculturist Rehabilitation Fund constituted under section 109 of the Act and therefore no expenditure from the Consolidated Fund of the State will have to be incurred by the enactment of clause 6 of the Bill.

P. S. SREENIVASAN